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16420/8



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Group Art Unit: 1642
Zalutsky)	
)	Examiner: Karen A. Canella
Serial No. 09/203,676)	
)	
Filed: December 1, 1998)	Atty. Dkt. No. 000250.74943

For: **RADIOCONJUGATION OF INTERNALIZING ANTIBODIES**

AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the fifth non-final Office Action mailed January 5, 2004. Please charge the fee for a one-month extension of time to our Deposit Account No. 19-0733. If any other fee is due, please charge Deposit Account No. 19-0733.

Claims 1-21 and 44-47 are pending and stand rejected.

The following items accompany this paper:

- Attachment 1 (Abbas, Cellular and Molecular Immunology, W. B. Saunders, Philadelphia, PA, 1997, page 50);
- Attachment 2 (PubMed abstracts of Kipriyanov *et al.*, *Protein Eng.* 10:445-53, 1997; Riches *et al.*, *Immunology* 45:473-81, 1982; Douglas *et al.*, *Nat. Biotechnol.* 14:1574-78, 1996; and Fearon *et al.*, *J. Exp. Med.* 153:1615-28, 1981); and
- Attachment 3 (PubMed abstracts of Weckbecker *et al.*, *Yale J. Biol. Med.* 70, 549-54, 1997; Lamberts *et al.*, *Front. Neuroendocrinol.* 14, 27-55, 1993; Condamine *et al.*, *J. Pept. Res.* 51, 55-64, 1998; Milovanovic *et al.*,

of ordinary skill in the art would be led to put a label on the antibody, not on the oligopeptide as recited in the rejected claims. Schmidt contains no teaching or suggestion to combine an antibody with a labeled oligopeptide as recited in claim 1 or in claim 21. Thus, Schmidt does not support a *prima facie* case that claim 21 or claims 1, 5, 8-10, 14-16, 28, 30, 35-37, 43, or 44 are obvious.

The cited combination of references does not teach or suggest the claimed composition. Thus, the Office Action has not established a *prima facie* case of obviousness. Applicant respectfully requests withdrawal of the rejection.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: May 5, 2004

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Prostate 20, 269-80, 1992; Gargosky *et al.*, *Biochem. J.* 247, 427-32, 1987; Breeman *et al.*, *J. Nucl. Med.* 37, 108-17, 1996; Wilson *et al.*, *Biochemistry* 36, 4542-51, 1997; Kolodziej *et al.*, *J. Med. Chem.* 38, 137049, 1995; Tyler *et al.*, *Brain Res.* 792, 246-52, May 1998; Gangopadhyay & Thomas, *Arch Biochem Biophys.* 1996 Oct 1;334(1):151-7; and Hoxie *et al.*, *J Biol Chem.* 1993 Jun 25;268(18):13756-63).

Please enter the following amendments.